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## City of Fremont Initial Study

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1. **Project:** Tri-Cities Resource Recovery Facility (PLN2011-00100)
2. **Lead Agency name and address:**  
City of Fremont Community Development Department - Planning Division  
3300 Capitol Avenue  
Fremont, CA 94538
3. **Lead Agency contact person contact information:**  
Stephen Kowalski, Associate Planner  
(510) 494-4532, Fax: (510) 494-4457  
[skowalski@fremont.gov](mailto:skowalski@fremont.gov)
4. **Project location:**  
Tri-Cities Recycling and Disposal Facility, 7010 Auto Mall Parkway, Fremont, CA 94538  
(APNs: 537-0801-002-03; 537-0801-003-03; 537-0802-003-04)
5. **Project sponsor's name and address:**  
Waste Management of Alameda County, Inc.  
(Project Manager: Kenneth Lewis)  
172 98<sup>th</sup> Avenue  
Oakland, CA 94603  
Phone: (925) 455-7350
6. **General Plan designation:**  
Agriculture (approximately 88% of land area, or 330.5 acres); Light Industrial (approximately 12% of land area, or 47.5 acres) (Note the agricultural area of the subject property is proposed as Open Space/Study Area in pending citywide comprehensive General Plan Update)
7. **Zoning:** Agricultural-Flood Combining District (88% of land area); Planned District P-2005-262(F) (12% of land area)
8. **Description of Project:**  
The proposed project consists of a final reuse plan for the Tri-Cities Recycling and Disposal Facility (TCRDF, or landfill). Currently, the landfill is slated to reach its capacity and stop accepting waste in 2012, and be capped and decommissioned in 2015. The operator of the landfill, Waste Management of Alameda County, Incorporated (WMAC for short), is required to submit a final reuse plan for approval by the City Council by no later than January 1, 2015 as one of its prior conditions of approval for operating the landfill. The proposed project is intended to satisfy this requirement.

The components of the proposed reuse plan are as follows:

- Biohazardous medical waste receiving, treatment, recycling and transfer facility (new use);
- Topsoil blending and sales (new use);
- Retail landscape product (including mulch, aggregate, and gravel) sales (new use);
- Continuation of ongoing concrete and asphalt receiving and recycling operation;
- Continuation of ongoing mulch and landscape product processing, blending, and wholesale;
- Continuation of ongoing waste collection cart/dumpster storage, repair and painting services;

- Continuation of ongoing reclamation activities, including soil acceptance and filling related to the capping and closure of the landfill;
- Continuation of ongoing landfill closure and post-closure monitoring and maintenance activities as required under the facility's landfill closure permit; and
- Continuation of ongoing maintenance of equipment and machinery need to support concrete/asphalt recycling, landscape product processing and production, etc. in the on-site corporation yard.

Approximately 88% of the 378-acre property (330.5 acres) is currently designated Agriculture in the City's General Plan, while the remaining 12% (47.5 acres) is designated Light Industrial. The portion designated Agriculture in the General Plan is zoned as Agricultural with a Flood District Overlay [A(F)], while the Light Industrial portion is zoned as Planned District P-2005-262(F). The landfill, a Class III facility as defined under Title 27 of the California Code of Regulations, occupies approximately 115 acres of the 330.5 acres designated Agriculture.

Ongoing resource recovery operations, specifically concrete/asphalt recycling and wood/yard/soil waste processing, take place on approximately 34 acres of disturbed, level land to the southeast of the landfill, while a corporation yard with administrative offices, weigh stations, equipment storage areas, and a maintenance facility occupy approximately 14 acres immediately east of the foot of the landfill. Soil used to cap the landfill is being, and will continue to be, excavated from an 88-acre level borrow area located south of the landfill and resource recovery operations area hereafter referred to as the "south field".

The proposed plan includes a redesign of the corporation yard area to segregate customer sales traffic from haul truck traffic and to improve overall circulation through the site, as well as re-grading of the south field to achieve positive drainage into engineered stormwater treatment ponds. The closure of the landfill itself is not part of this project and it will not be altered upon completion of its capping and closure as result of the proposed project. The redesigned corporation yard area will include a new 32,487 square foot two-story medical waste processing/recycling facility, all new paved parking and circulation areas with landscaped planters, relocated weigh station drive aisles with a new scale house, and separate open drive-up areas for bulk and retail landscape product sales. Finished products will be stored in bunkers and/or stockpiles for purchase and pick-up. The existing modular office buildings will be relocated from their current location at entrance of the site to the foot of the landfill adjacent to the existing maintenance facility. Operations involving louder, heavier equipment such as the concrete/asphalt recycling, mulch production, and topsoil blending will be relegated to the eastern edge of the property and the south field away from the corporation yard and customer sales/service areas. In addition to the proposed on-site improvements, the applicant will be required to extend Auto Mall Parkway west to the Union Pacific railroad tracks and construct a new cul-de-sac bulb at the end of the parkway. The project will also include reconstruction of the existing driveway leading from the parkway across the railroad tracks into the site to accommodate a new 24-foot wide paved fire access road which will extend all the way into the corporation yard.

The medical waste facility will utilize three autoclave units to steam-sterilize waste products before either shredding or grinding the non-recyclable end products or sorting the recyclable end products for transfer to a recycling facility. All of the waste generated by the facility will be transferred to offsite recycling or disposal facilities that are licensed to receive and dispose of such waste.

The concrete/asphalt recycling operation would continue to operate in its current location along the eastern edge of the site just south of the entrance adjacent to the Union Pacific Railroad tracks. The concrete and asphalt products are brought to the site by dump trucks and semi-trailer dump trucks, crushed, and stockpiled for use as aggregate base for street/highway and parking lot construction, and as gravel for landscaping. Dyeing of finished gravel will also be conducted as part of the operation to provide a variety of rock colors.

The mulch/topsoil product processing and blending operation will also be located in the south field and will be conducted in a similar manner to the concrete/asphalt recycling operation with dump trucks, semi trailer dump trucks and other large hauling vehicles delivering scrap wood waste and surplus dirt and soil from construction and demolition sites to the facility for recycling and processing. Wood waste products will be chipped, colored and sold as finished mulch, or grinded and blended with finished compost and/or soil to create topsoil mixture.

**9. Background and Surrounding Land Uses and Setting:**

The project site consists of three parcels totaling a combined 378 acres located at the western terminus of Auto Mall Parkway. The landfill facility on the property began receiving solid waste in 1967. Hazardous wastes such as asbestos, biohazardous wastes and used grease were disposed of in small quantities in accordance with federal and state standards until 1990. In June 2007, the landfill ceased accepting direct haul waste from the public, but continues to receive commercial and transfer station waste materials. The facility is now slated to reach its maximum capacity in 2012. After that time, the landfill will stop accepting any waste products and will undergo final capping and decommission by 2015.

Access to the site occurs via Auto Mall Parkway, a designated City of Fremont truck route. The site has only one point of access. Auto Mall Parkway terminates into a private driveway access that crosses over an existing at-grade crossing of the operating Union Pacific Railroad line.

The project area is surrounded by marshes located in the Don Edwards San Francisco Bay National Wildlife Refuge under the ownership of the Federal Government to the west and south which are currently used as evaporation ponds for salt production. The adjacent lands to the north consist of a Pacific Gas and Electric Company (PG&E) substation and various wetlands used for livestock grazing under both public and private ownership. There is an existing flood control channel under the jurisdiction of the Alameda County Flood Control and Water Conservation District that runs along the northern property line which receives runoff from the property and conveys it to Mowry Slough, and, ultimately, out to the San Francisco Bay. There is a vacant ±40-acre city-owned parcel immediately east of the property's entrance along Auto Mall Parkway planned for development as a public park and sports complex, while the adjacent lands further to the southeast consist of privately-owned wetlands and a stormwater treatment pond for the Pacific Commons development located approximately ¾ mile to the east. The nearest occupied properties consist of a light industrial park located approximately ¼ mile to the east along Auto Mall Parkway, followed by the Fremont Auto Mall, and ultimately the Pacific Commons shopping center. The nearest existing residential uses are located approximately 1 mile north of the site in the City of Newark. Additional land in Newark is planned for future residential development located within 1/3 mile of the site .

**10. Congestion Management Program - Land Use Analysis:** The project analysis must be submitted to the Alameda County Congestion Management Agency for review if "Yes" to any of the following:

<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	This project includes a request for a General Plan Amendment. If yes, send appropriate forms to Alameda County Congestion Management Agency.
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	A Notice of Preparation is being prepared for this project.
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	An Environmental Impact Report is being prepared.

**11. Other public agencies whose approval is required:** California Public Utilities Commission; Integrated Waste Management Board; Regional Water Quality Control Board, Alameda County Water District, Union Sanitary District, Bay Area Air Quality Management District

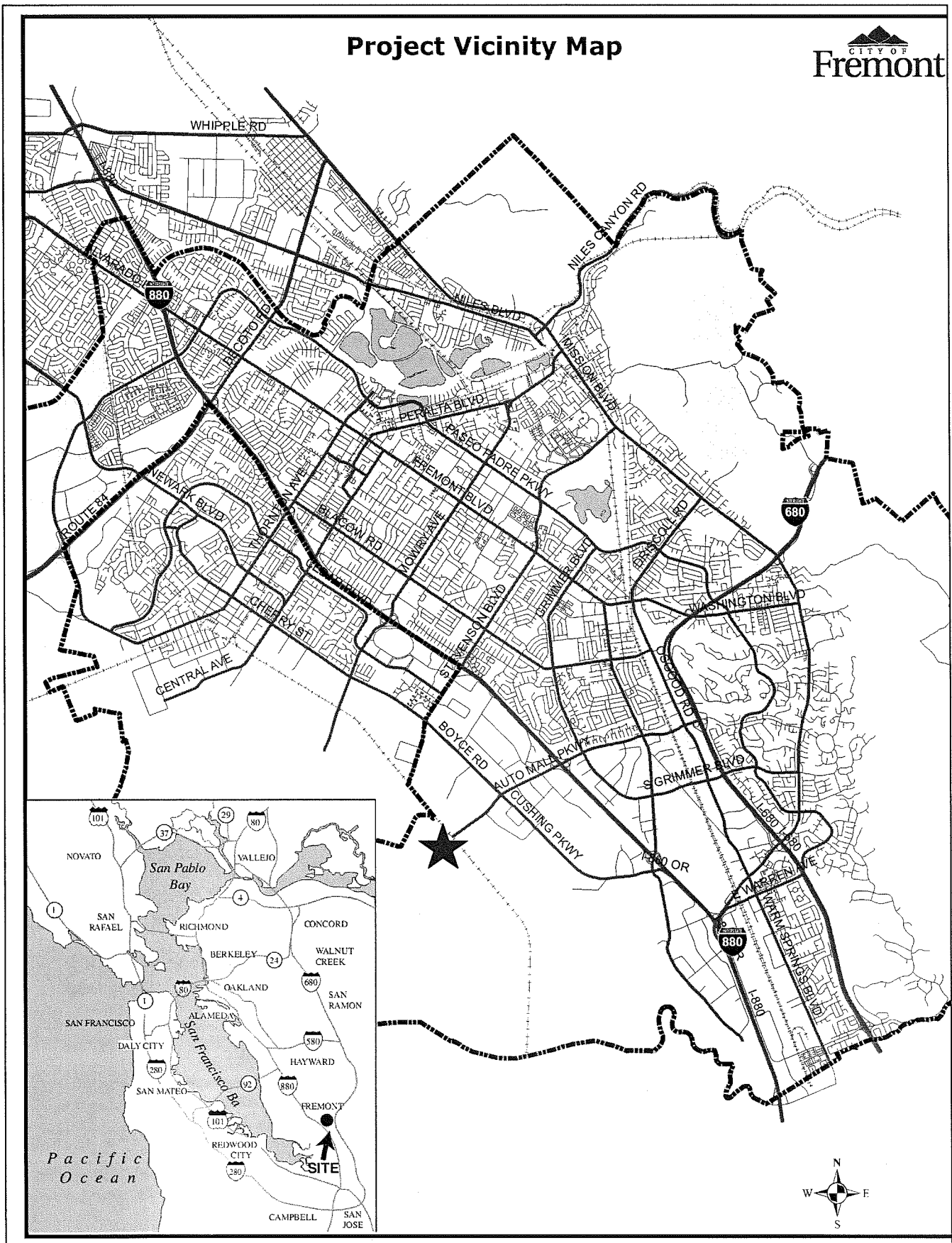
# **ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The following list indicates the environmental factors that would be potentially affected by this project. Those factors that are indicated as a "Potentially Significant Impact" in the initial study checklist are labeled "PS" while those factors that are indicated as a "Potentially Significant Unless Mitigation Incorporated" are labeled "M".

	Aesthetics
<b>M</b>	Biological Resources
	Hazards & Hazardous Material
	Greenhouse Gas Emissions
	Population / Housing
	Transportation / Traffic

	Agriculture and Forreast Resources
<b>M</b>	Cultural Resources
	Hydrology / Water Quality
	Mineral Resources
	Public Services
	Utilities / Service Systems

	Air Quality
	Geology / Soils
	Land Use / Planning
	Noise
	Recreation
	Mandatory Findings of Significance



## **PREVIOUS ENVIRONMENTAL ANALYSIS:**

On October 23, 2007, the Fremont City Council certified an Environmental Impact Report (SCH# 2006112013) and approved a General Plan land use amendment and rezoning allowing the closure of the subject landfill facility and facilitating the establishment of interim land uses on, and, ultimately, a final reuse plan for the site that would be compatible with the neighboring properties to the east. All records of this prior project (No. PLN2005-00262), including both the draft and final EIRs, are available for review at the City of Fremont Planning Division.

The EIR for the prior project analyzed the following topics: Aesthetics; Agricultural Resources; Air Quality; Biological Resources; Cultural Resources; Energy; Geology and Soils; Hazards and Hazardous Materials; Hydrology/Water Quality; Land Use Planning; Noise; Public Facilities and Services; Recreation; Transportation; and Utilities and Service Systems. The City of Fremont determined that the closure of the landfill and the use of the property for interim resource recovery and recycling operations and closure administration and maintenance activities had the potential to have significant impacts on the environment and adopted a Mitigation Monitoring Program containing various mitigation measures to reduce the identified impacts to less-than-significant levels. Specifically, the following potentially significant impacts were identified in the EIR, and the accompanying mitigation measures were prescribed to reduce them to less-than-significant levels:

**Impact to Biological Resources:** Grading and excavation activities in the borrow area during landfill closure could impact individual tiger salamanders if they move onto the site from breeding ponds to the east.

***Mitigation Measure #1: Exclusion of California Tiger Salamanders from Project Site.*** To minimize possible impacts to individual tiger salamanders from borrow activities, a barrier to tiger salamander dispersal shall be installed along the eastern boundary of the site from the existing entrance road southeast to the southeastern limit of the borrow area. This barrier should be designed to prevent salamanders dispersing from breeding sites east of the railroad tracks from entering the project area. The barrier shall be designed by a qualified herpetologist and checked and maintained regularly to ensure that gaps that could allow salamanders to enter the project site do not occur. Because the borrow activities are proposed to be phased, such a barrier shall also be placed between borrow areas and portions of the Resource Recovery Area not being used for borrow activities to prevent any salamanders from entering the active borrow area.

***Mitigation Measure #2: Salvage of Individual Tiger Salamanders during Project Activities.*** While the previous mitigation measure would minimize the probability of salamanders entering the site, any salamanders already present in the borrow area shall be salvaged and relocated off site to the extent practicable. Although detecting every tiger salamander on a site is not feasible due to the species' secretive, subterranean habits, a qualified herpetologist shall be present during removal of debris and initial clearing and grubbing on the Resource Recovery Area prior to excavation at a particular borrow area. The herpetologist would look for individual tiger salamanders that may be taking refuge under debris or in the few mammal burrows present on the site. Any individuals detected would be captured and relocated to a safe location outside the project area; this relocation site shall be approved by the U.S. Fish and Wildlife Service (USFWS) prior to the salamander(s)' relocation.

***Mitigation Measure #3: On-site Construction Crew Education Program for California Tiger Salamanders.*** A worker education program shall take place before the commencement of borrow excavation activities. A USFWS-approved biologist shall explain to construction workers how best to avoid impacts to California tiger salamanders. The biologist shall conduct a training session that shall be scheduled as a mandatory informational field meeting for contractors and all construction personnel. The field meeting must include topics on species identification, life history, descriptions, and habitat requirements during various life stages. Handouts, illustrations, photographs, and project mapping showing areas where minimization and avoidance measures are being implemented will be included as part of this education program. The program will increase the awareness of the contractors and construction workers about existing federal and state laws regarding endangered species, as well as increase their compliance with conditions and requirements of resource agencies.

*Prior to the start of work each day, dedicated construction personnel shall inspect pits that were left open overnight for tiger salamanders. If a tiger salamander is encountered during project-related activities, the following protocol shall be implemented:*

- a. All work that could result in direct injury, disturbance, or harassment of the individual animal must immediately cease;*
- b. The foreman shall be immediately notified;*
- c. The foreman shall immediately notify a qualified biologist, who in turn shall immediately notify USFWS and the California Department of Fish & Game (CDFG); and*
- d. If approved by the USFWS and CDFG, the qualified biologist shall remove the individual to a safe location nearby.*

**Impact to Biological Resources:** Although not currently on the site, landfill closure activities could impact individual Burrowing Owls in the event that any move onto the landfill or borrow area in the future.

***Mitigation Measure #4: Pre-construction Surveys for Burrowing Owls.*** *Pre-construction surveys for Burrowing Owls shall be conducted in potential habitat (inactive slopes of the landfill and the borrow area) in conformance with CDFG protocols no more than 30 days prior to the start of any ground-disturbing activity such as clearing and grubbing, excavation, or grading. If no Burrowing Owls are located during these surveys, then no additional action would be necessary. However, if Burrowing Owls are located on or immediately adjacent to the site, the following mitigation measures shall be implemented:*

- a. If Burrowing Owls are present during the non-breeding season (generally from September 1 to January 31), a 150-foot buffer zone within which no new project-related activity will be permissible shall be maintained around the occupied burrow(s). During the breeding season (generally from February 1 to August 31), a 250-foot buffer within which no new project-related activity will be permissible shall be maintained between project activities and occupied burrows. Owls present at burrows on the site after February 1<sup>st</sup> will be assumed to be nesting on or adjacent to the site unless evidence identified by a qualified biologist indicates otherwise. This protected area will remain in effect until August 31<sup>st</sup>, or at the discretion of the CDFG and based upon monitoring evidence, until the young owls are foraging independently.*
- b. If ground-disturbing activities will directly impact occupied burrows, eviction outside the nesting season may be permitted pending evaluation of eviction plans by, and receipt of formal written approval of the relocation from the CDFG. No Burrowing Owls shall be evicted from burrows during the nesting season (February 1 through August 31) unless evidence identified by a qualified biologist indicates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season).*

*A report on the results of the pre-construction survey(s) for Burrowing Owls, including any required buffer zones or protection measures, shall be submitted to the Planning Division prior to the start of grading each year and/or at the start of a new phase of grading or landfill closure.*

**Impact to Biological Resources:** Removal of dense vegetation during the nesting season could result in impacts to nesting Alameda Song Sparrow and Saltmarsh Common Yellowthroats.

***Mitigation Measure #5: Clear Vegetation during Non-breeding Season.*** *Prior to ground-disturbing activities in the borrow area, suitable habitat for breeding by Alameda Song Sparrow or Saltmarsh Common Yellowthroats (e.g., dense wetland and ruderal vegetation) will be identified and mapped by a qualified biologist. To the extent feasible, vegetation that could be used for breeding by these species within the area to be graded during the next year will be removed during the non-breeding season (mid-August to late February). In addition, all vegetation that could serve as suitable nesting habitat for these species, and that is located within 50 feet of areas of*

*disturbance, shall be removed to prevent the project from disturbing active nests. During the construction period, the project site and adjacent areas shall be maintained so that no vegetation suitable for nesting by Song Sparrows or Common Yellowthroats is allowed to develop. If vegetation is removed during the non-breeding season prior to construction, no impacts to nesting would occur. A report documenting the removal of vegetation within the active borrow area shall be submitted to the Planning Division prior to the start of grading each year.*

**Mitigation Measure #6: Conduct Pre-disturbance Surveys and Avoid Disturbances to Active Nests.** *In the event suitable vegetation has not been removed and project activities are to occur during the breeding season in or near potential nesting habitat for Alameda Song Sparrow or Saltmarsh Common Yellowthroats, a qualified ornithologist shall conduct pre-disturbance surveys no more than 15 days prior to the initiation of disturbance in any given area. If Song Sparrow or Common Yellowthroat nests are found to be present within or near (i.e., within 50 feet of) the impact areas during the breeding season, a buffer free from any new project-related disturbance shall be established around any active nest, the width of this buffer being determined by an experienced ornithologist in consultation with CDFG. This buffer shall be maintained until nesting has been completed. A report on the results of any pre-construction surveys for Alameda Song Sparrows or Saltmarsh Common Yellowthroats, including any required buffer zones or protection measures, shall be submitted to the Planning Division prior to the start of grading each year.*

**Impact to Biological Resources:** Grading and excavation activities in dense vegetation in the borrow area near pickleweed areas during landfill closure could result in impacts to individual salt marsh harvest mice and salt marsh wandering shrews.

**Mitigation Measure #7: Exclusion of Individual Salt Marsh Harvest Mice and Salt Marsh Wandering Shrews from the Project Site.** *A barrier to exclude salt marsh harvest mice and salt marsh wandering shrews from the project's impact areas shall be constructed under the guidance of a qualified biologist. The fence shall consist of a 3-foot tall, tight cloth silt fence toed into the soil at least three inches deep and supported with stakes. Additionally, vegetation within the impact area and within 10 feet of the barrier shall be removed by hand; such bare areas are unlikely to be crossed by salt marsh harvest mice and salt marsh wandering shrews and provide additional insurance against the dispersal of individuals into the project area. Alternatively (if the barrier of bare ground is not practicable), a 3-foot high smooth metal fence toed into the soil at least three inches deep shall be constructed instead. All fence construction and vegetation removal shall be conducted under the supervision of a qualified biologist who is permitted by the USFWS to move salt marsh harvest mice out of the construction area.*

**Mitigation Measure #8: Salvage of Individual Salt Marsh Harvest Mice and Salt Marsh Wandering Shrews during Project Activities.** *While the previous mitigation measure would minimize the probability of individual salt marsh harvest mice and salt marsh wandering shrews entering the site, any individuals already present in the impact areas should be salvaged and relocated off site to the extent practicable. Although detecting every individual on a site is not feasible due to these species' secretive habitats, a qualified mammalogist shall be present during construction of the barrier fence, removal of vegetation, and initial clearing and grubbing within 10 feet of the barrier fence. The mammalogist would look for individual salt marsh harvest mice and salt marsh wandering shrews that may be present within the project area. Any individuals detected would be captured and relocated to a safe location within the closest suitable, pickleweed-dominated habitat. A report documenting the construction of exclusionary fencing and relocation of any salt marsh harvest mice and salt marsh wandering shrews shall be submitted to the Planning Division prior to the start of grading of the borrow area each year.*

**Mitigation Measure #9: On-site Construction Crew Education Program for Salt Marsh Harvest Mice and Salt Marsh Wandering Shrews.** *A worker education program will take place before the start of the borrow excavation each year. A USFWS-approved biologist shall explain to construction workers how best to avoid impacts to salt marsh harvest mice and salt marsh wandering shrews. The approved biologist will conduct a training session that shall be scheduled as a mandatory informational field meeting for contractors and all*



construction personnel. The field meeting will include topics on species identification, life history, descriptions, and habitat requirements. Handouts, illustrations, photographs, and project mapping showing areas where minimization and avoidance measures are being implemented will be included as part of this education program. The program will increase the awareness of contractors and construction workers about existing federal and state laws regarding special-status species, as well as increase their compliance with conditions and requirements of resource agencies.

**Impact to Hydrology and/or Water Quality:** Substantial impacts to water quality associated with installation of the final cover on the landfill would be avoided by implementation of measures included in the NPDES Industrial Permit for the TCRDF. Grading and excavation in the proposed borrow area and soil conditioning and handling could result in substantial short-term impacts to surface water quality during construction.

***Mitigation Measure #10: Protection of Water Quality.*** The project will be required to conform to the requirements and guidelines of the Alameda Countywide Clean Water Program and the City of Fremont to reduce nonpoint pollution in stormwater runoff. The project also proposes to comply with nonpoint pollution control measures during construction as required under the NPDES General Construction Permit for activities in the borrow area.

Contractors shall implement erosion control measures on site to retain all debris, dirt and pollutants, and prevent said pollutants from flowing into the on-site stormwater collection system. Erosion control plans and or SWPPPs shall be submitted for review and approval by the Community Development Department prior to issuance of any grading permits.

**Impact to Air Quality:** Landfill closure activities would intermittently generate fugitive dust and exhaust emissions from construction equipment. This could result in short-term air quality impacts.

***Mitigation Measure #11: Dust Control.*** Implementation of the measures recommended by the Bay Area Air Quality Management District would reduce the air quality impacts associated with grading and other landfill cover construction activities. Contractors shall implement the following measures during excavation of the borrow area and placement of the final cover over the landfill:

- Water all active construction areas twice daily and more often during windy periods.
- Cover all trucks hauling soil, sand, and other loose materials or maintain at least two feet of freeboard.
- Pave, apply water to three times daily, or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas.
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles.
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- Suspend excavation and grading activity when high winds cause visible dust clouds to extend beyond the construction site.
- Limit the area subject to excavation, grading, and other construction activity at any one time.

***Mitigation Measure #12: Emissions Controls.*** Although not a significant impact, the following measures are included in the project (or will be required as conditions of approval) to reduce emissions of diesel particulates during construction of the final cover for the landfill:

- *Opacity is an indicator of exhaust particulate emissions from off-road diesel-powered equipment. The project shall ensure that emissions from all construction diesel-powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one (1) hour. Any equipment found to exceed 40 percent opacity (or Ringelman 2.0) shall be repaired immediately.*
- *The contractor shall install temporary electrical service whenever possible to avoid the need for independently-powered equipment (e.g., compressors).*
- *The proposed project shall limit idling of construction equipment to five minutes and properly tune and maintain equipment for low emissions.*

**Impact to Cultural Resources:** The proposed project includes excavation of native soil materials in an on-site borrow area. Although unlikely, buried archaeological resources could be encountered during soil excavation for landfill cover material.

***Mitigation Measure #13: Discovery of Cultural Resources in the Borrow Area.*** *In the event cultural materials are found during site grading or excavation in the borrow area, the following measures will be implemented: All construction within 50 feet of the find would be halted, the Director of Community Development notified, and a qualified archaeologist would examine the find and make recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation, and analysis of any significant cultural materials.*

- *If human remains are discovered, the Alameda County Coroner shall be notified. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall identify the Most Likely Descendant (MLD) of the deceased Native American.*
- *If the Planning Director finds that the cultural resource find is not a significant resource, work shall resume only after the submittal of a preliminary report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of a deceased Native American and for reburial shall follow the protocol set forth in the CEQA Guidelines. If the site is found to be a significant archaeological site, a mitigation program shall be prepared and submitted to the Director of the Community Development Department for consideration and approval, in conformance with the protocol set forth in Section 15064.5 of the CEQA Guidelines.*

**Impact to Cultural Resources:** Future modifications to the Corporation Yard to facilitate the parking and maintenance of haul trucks could disturb native soils. Although unlikely, buried archaeological resources could be encountered during site grading.

***Program-Level Mitigation Measure #14: Discovery of Cultural Resources in the Corporation Yard Area.*** *The California Health and Safety Code Section 7050.5 outlines the requirements for handling human remains if found outside of a dedicated cemetery. The county coroner is required to contact the Native American Heritage Commission within 24 hours if the coroner recognizes the remains to be those of a Native American. The Native American Heritage Commission then identifies the Most Likely Descendant (MLD) of the deceased Native American. Provisions for reburial will be made with the MLD.*

***Program-Level Mitigation Measure #15: Discovery of Cultural Resources in the Corporation Yard Area.*** *Section 15064.5 of the CEQA Guidelines identifies steps that should be taken in the event Native American remains, historical resources, or unique archaeological resources are accidentally discovered during construction. These steps include immediate evaluation of the find by a qualified archaeologist and implementation of avoidance measures or appropriate mitigation. For future projects that involve ground disturbance, the City will include standard conditions that incorporate these measures outlined in the CEQA Guidelines.*

All other potential impacts identified and analyzed in the EIR were determined to be less than significant and did not require mitigation. Those measures listed above that would also be applicable to the proposed reuse plan have been included in the list of mitigation measures for the project contained in Section XIX, below. Those measures that either no longer apply or have been superseded by new regulations and/or new mitigation prescribed by the updated air quality and biological studies that were conducted for the proposed project have been excluded from the list in Section XIX.

**DETERMINATION BY THE CITY OF FREMONT:**

On the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a SUBSEQUENT NEGATIVE DECLARATION will be prepared per Guideline 15162.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared per Guideline 15162.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required per Guideline 15162.

Signature:

Stephen Kowalski

Date:

11/7/11

Printed Name: Stephen Kowalski

For: City of Fremont

Senior Planner Review:

Kelly Dickmann

**I. AESTHETICS - Would the project:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Have a substantial adverse effect on a scenic vista?				X	8
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X	8
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?				X	8
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X		A

*Comment:* The project site is located adjacent to the salt ponds and wetlands bordering the San Francisco Bay, views of which are considered a unique visual resource in the City's General Plan. However, due to the level terrain of the surrounding area, and the presence of the landfill itself which acts as a significant barrier to views of the Bay, there are no direct views of the estuary or its wetlands that would be significantly altered by the proposed plan because of existing conditions and operations. The proposed two-story medical waste facility will be the only significant new structure constructed on the property, but the entire corporation yard area will be heavily landscaped with a large number of new trees which will effectively screen the building and much of the parking, loading, and staging areas from views off-site. The proposed mulch production, topsoil blending, and concrete/asphalt recycling operations are already being conducted on the property, and will not be changed in a manner that could result in significantly higher stockpiles of exposed materials that could be visible from off-site or block views of the Bay and/or wetlands. Therefore, the project will not have a significant impact on scenic resources or vistas, and no mitigation is necessary.

The applicant is proposing to conduct outdoor operations (concrete/asphalt recycling, mulch production and topsoil blending) on the premises daily from sunrise to sunset (roughly from 6:00 AM to 5:00 PM), so no portable light towers will be needed to illuminate the site after dark. The buildings and parking facilities will be illuminated with standard building and parking lot light fixtures and standards to provide visibility and security for employees before sunrise and after sunset, but this lighting will not be bright enough to cause a significant source of light or glare that could be visible off-site, and no mitigation is required. Building lighting will be required to deflect downward in accordance with the requirements of the City's Zoning Ordinance.

**II. AGRICULTURE AND FOREST RESOURCES** - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board. Would the project:

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	19
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X		20
c.	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?				X	N/A
d.	Result in the loss of forest land or conversion of forest land to non-forest use?				X	N/A
e.	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to nonforest use?				X	N/A

*Comment:* While the subject site has agricultural zoning the property is not currently used for farming or agricultural use. The change of land use designation and zoning for a portion of the site will have no effect on agricultural resources. This section is not applicable as there is no forest land or prime farmland on the property, and no existing Williamson Act contract encumbering the property.

**III. AIR QUALITY** - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Conflict with or obstruct implementation of the applicable air quality plan?			X		2, 21, 22, F
b.	Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X		21, 22, F
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X		21, 22, F
d.	Expose sensitive receptors to substantial pollutant concentrations?				X	3, F
e.	Create objectionable odors affecting a substantial number of people?				X	A

*Comment:* The City of Fremont uses the thresholds of significance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts of construction, area sources,

and operations related to criteria air pollutants of the adopted Clean Air Plan. The Clean Air Plan focuses on the improvement of air quality throughout the Bay Area's air basin. A network of monitoring stations continually measures the ambient concentrations of these pollutants for reporting purposes. The closest such monitoring station is #1014 located at 40733 Chapel Way in Fremont. Ozone precursors and particulate matter are the primary air pollutants of concern for development projects. These include Reactive Organic Gases (ROG), Nitrous Oxides (NO<sub>x</sub>), and Particulate Matters (PM<sub>10</sub> and PM<sub>2.5</sub>). Thresholds are whether a project would exceed the emissions of 10 tons per year or 54 lbs per day for ozone precursors. General conformity to the Clean Air Plan considers qualitative analysis of consistency with planning assumptions and growth estimates for the City and the Bay Area.

An Air Quality Impact Analysis was conducted for the proposed project in October 2011 by SCS Engineers (Reference F). The analysis assessed the potential for impacts to air quality caused by new employee trips, new customer haul trips, daily operation and maintenance of all proposed facilities as well as operation of the boiler that will be used to run the autoclaves in the medical waste processing facility and the use of a spray booth-paint facility. Baseline conditions were the operations on site as of May 2011 when City staff conducted field observations (Reference D).

The analysis calculated the total criteria air pollutant (CAP) emissions generated by all proposed components of the project, as well as by the actual construction of the proposed improvements, and analyzed them for compliance with the thresholds of significance established by BAAQMD. The results of the calculations and analysis are as follows, with all quantities provided as pounds (lbs.) per day:

Source:	ROG	NOx	CO	SO <sub>2</sub>	PM <sub>10</sub> Dust	PM <sub>10</sub> Exhaust	PM <sub>10</sub>	PM <sub>2.5</sub> Dust	PM <sub>2.5</sub> Exhaust	PM <sub>2.5</sub>
Proposed Operations	32.16	20.02	57.25	0.20	4.0	0.0	6.54	0.13	0.0	2.57
Threshold of Significance	54	54	none	none	none	none	82	none	none	54
Difference	21.84	33.98	N/A	N/A	N/A	N/A	75.46	N/A	N/A	51.43

Source:	ROG	NOx	CO	SO <sub>2</sub>	PM <sub>10</sub> Dust	PM <sub>10</sub> Exhaust	PM <sub>10</sub>	PM <sub>2.5</sub> Dust	PM <sub>2.5</sub> Exhaust	PM <sub>2.5</sub>
Construction of Project	15.69	33.37	21.41	0.02	20.02	2.01	22.03	4.18	1.85	6.03
Threshold of Significance	54	54	none	none	none	82	none	none	54	none
Difference	38.31	20.63	N/A	N/A	N/A	79.99	N/A	N/A	52.15	N/A

As these tables show, CAP emissions from the proposed project are below BAAQMD's significance thresholds for all regulated pollutants, and no mitigation is required.

Minor and temporary increases in air pollutants would be experienced in local areas during the demolition of existing structures and paved areas, re-grading of the site, hauling of debris, and construction of the proposed facilities. Because of the short duration of construction activities and the distance to the nearest residences, impacts from these activities will be less than significant with implementation of the following mitigation measure:

**Mitigation Measure #1: Dust Control**

*Prior to the issuance of a permit, the following best management practices shall be included in a dust control plan and noted on construction plans with a designated contact person for on-site implementation of the dust control plan.*

1. *All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.*
2. *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
3. *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
4. *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
5. *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
6. *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.*
7. *Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours.*

**IV. BIOLOGICAL RESOURCES - Would the project:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X			8, E
b.	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X			8, E
c.	Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	8, E
d.	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X			8, E
e.	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		8, 24, E
f.	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X	8, E

*Comment:* Two separate biological surveys were conducted for the property by H.T. Harvey & Associates, the first in 2006 as a part of Environmental Impact Report SCH# 2006112013, and the second in July 2011, with the latter having been done to assess any changes in conditions on the property that may have occurred since the former was completed. The proposed uses of the subject project overlap the areas previously studied on the property that were to be used for landfill closure activities. Both surveys assessed the project site's potential for the presence of special status plant and wildlife species, as well as their habitats. The 2011 survey identified habitats for a small number of special status terrestrial and avian species on the project site that have the potential to be significantly impacted by the proposed project. According to the survey, the following species have the potential to occur on the site: (a) salt marsh harvest mouse; (b) salt marsh wandering shrew; (c) burrowing owls; (d) Alameda song sparrows; (e) Bryant's savannah sparrows; and (f) San Francisco common yellowthroats.

The survey also identified disturbed seasonal wetlands in two separate depressions on the site, one adjacent to a drainage ditch located along the Union Pacific railroad tracks along the eastern edge of the property, and another located along the southwestern edge of the south field adjacent to a neighboring muted tidal salt marsh. The survey concluded that both of these depressions undergo frequent, intensive disturbance during ongoing, permitted excavation of borrow soil from the south field to cap the landfill, and that because of this frequent disturbance neither area is capable of providing critical habitat for any special status plant or animal species.

To ensure there is no take or disruption of the above-listed special status species or their habitat during construction of the project, the following mitigation measures will be implemented to mitigate impacts to the species to a less-than-significant level:

***Mitigation Measure #2: Exclusion of Individuals from Project Area.*** A barrier to exclude salt marsh harvest mice and salt marsh wandering shrews from the areas to be physically altered by construction of the project shall be constructed under the guidance of a qualified biologist. The barrier shall be a smooth metal fence (e.g., aluminum flashing) that is 30 inches high and toed into the soil to a depth of at least 3 inches. Prior to installation of the barrier, vegetation within the construction area(s) and within 2 feet outside of the barrier shall be removed by hand prior to installation of the barrier to remove any cover that might be used by harvest mice or wandering shrews and to encourage any individuals present in these areas to move to the adjacent, vegetated salt marsh. The barrier shall be placed along the project boundary (approximately 2 feet from the boundary) with the muted tidal salt marsh habitat (i.e., the southwest perimeter). All fence construction and vegetation removal shall be conducted under the supervision of a qualified biologist. The barrier must be monitored at least twice annually and repaired as needed. Vegetation outside of the fence within the 2-foot buffer area must be maintained so that no vegetation hangs over the barrier.

***Mitigation Measure #3: On-site Construction Crew Education Program.*** A worker education program must take place before the commencement of project-related activities in the southern portion of Multi-Use Zone 2 (south field). A qualified biologist shall explain to construction workers how best to avoid impacts to salt marsh harvest mice and salt marsh wandering shrews. The biologist shall conduct a training session that must be scheduled as a mandatory informational field meeting for operators, contractors, and all construction and/or operations personnel. The field meeting shall include topics on species identification, life history, descriptions, and habitat requirements. Handouts, illustrations, photographs, and project mapping showing areas where minimization and avoidance measures are being implemented will be included as part of this education program. The program shall increase the awareness of the operators, contractors, and construction and operations workers about existing federal and state laws regarding special-status species, as well as increase their compliance with conditions and requirements of resource agencies.



**Mitigation Measure #4: Pre-construction Surveys.** *Pre-construction surveys for burrowing owls shall be conducted in potential habitat in conformance with California Department of Fish and Game (CDFG) protocols no more than 5 days prior to the start of any project-related activities of increased intensity (e.g., human activity or noise) or ground-disturbing activity such as clearing and grubbing, excavation, or grading. If no burrowing owls are located during these surveys, no additional action is needed. However, if burrowing owls are located within 250 feet of any project-related activities, the following measures will be implemented:*

- (a) If burrowing owls are present during the non-breeding season (generally between September 1 and January 31), a 150-foot buffer zone, within which no new project-related activities will be permissible, will be maintained around the occupied burrow(s) if feasible. If a 150-foot buffer is not feasible, then a reduced buffer may be acceptable as long as project activities will not directly affect the roost burrow or owls. During the breeding season (generally between February 1 and August 31), a 250-foot buffer within which no new project-related activities will be permissible must be maintained between said activities and the occupied burrow(s). Owls present at burrows within 250 feet of the project site after February 1<sup>st</sup> will be assumed to be nesting unless evidence identified by the biologist indicates otherwise. This protected area will remain in effect until August 31<sup>st</sup> or at CDFG's discretion and based upon monitoring evidence, until the young owls are foraging independently.*
- (b) If ground-disturbing activities will impact occupied burrows within 250 feet of the project area, eviction outside the nesting season may be performed in consultation with CDFG. This is unlikely to be necessary due to the extent of existing development and disturbance, paucity of ground squirrel burrows, and presence of very tall vegetation within currently undisturbed habitat in proximity to the project area. No burrowing owls will be evicted from burrows during the nesting season (February 1 through August 31) unless evidence identified by the biologist indicates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season).*

Alameda song sparrows, Bryant's savannah sparrows and San Francisco common yellowthroats breed from mid-February to mid-August. If project activities in close proximity to potential nesting habitat can be scheduled to occur between mid-August and early February, the nesting season would be avoided and no impacts to nests of these species would occur. However, if project activities are scheduled to occur in close proximity to potential nesting habitat, the following mitigation measures shall be implemented to reduce the impacts to a less-than-significant level:

**Mitigation Measure #5: Clear Vegetation during the Non-breeding Season.** *If project activities are scheduled to occur between mid-February and mid-August, all vegetation in the areas that are to be disturbed by new project-related activities and that could serve as nesting habitat for Alameda song sparrows, Bryant's savannah sparrows and San Francisco common yellowthroats should be removed during the non-breeding season under the supervision of a qualified biologist. In addition, all vegetation that could serve as suitable nesting habitat for these species and that is located within 50 feet of areas of disturbance should be removed to prevent the project-related activities from disturbing active nests. During the initiation of any new project-related activity, the project area and adjacent areas within 50 feet should be maintained so that no vegetation suitable for nesting by these species is allowed to develop. If vegetation is removed during the non-breeding season prior to project implementation, no impacts to nesting habitat would occur.*

**Mitigation Measure #6: Conduct Pre-disturbance Surveys and Avoid Disturbance to Active Nests.** *If new project-related activities are to occur during the breeding season in or near potential nesting habitat, a qualified ornithologist should conduct pre-disturbance surveys no more than 5 days prior to the commencement of disturbance in any given area. If active song sparrow, savannah sparrow, or common yellowthroat nests are found to be present within or near (i.e., within 50 feet of) the impact areas during the breeding season, a buffer of 50 feet free from any new or substantially increased project-related disturbance should be established around any active nest. This buffer shall be respected until nesting has been completed.*

A Tree Survey was conducted for the project by CH2M HILL in April 2011 which identified 83 existing trees on the project site, 63 of which are of large enough size to qualify for protection under the City's Tree Preservation Ordinance. Seven (7) of the protected trees were determined to be in poor health and would not be expected to recover over time even with proper pruning and maintenance. The project plans propose the removal of 28 total trees, including all seven unhealthy trees, and the preservation and incorporation of the remaining 55 trees into the new landscape plan for the site. The tree removal and planting plans for the proposed project comply with the Tree Preservation Ordinance's 1:1 replacement ratio requirement and have been reviewed and approved by the City Landscape Architect. As such, no additional mitigation for the removal of protected trees is required.

**V. CULTURAL RESOURCES - Would the project:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.57?				X	11, 27
b.	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X			11, 28, A
c.	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X	11, 28, A
d.	Disturb any human remains, including those interred outside of formal cemeteries?		X			11, 28, A

*Comment:* The EIR conducted for the Landfill Closure Plan in May 2007 (SCH# 2006112013) found no record of any known archaeological sites within the property and determined that native soils on and adjacent to the property were located at or just above sea level in a marshy environment that would have been ill-suited for historic and/or prehistoric habitation. The EIR concluded that, although unlikely, previously unidentified archaeological resources could be encountered during grading activities and excavation of soils from the borrow area in the south field, and during modifications of the corporation yard area. The following mitigation measure will be required to be implemented to reduce any impacts on cultural resources to a less-than-significant level:

**Mitigation Measure #7:** *Should any human remains or historical or unique archaeological resources be discovered during site development work, the provisions of CEQA Guidelines, Section 15064.5 (e) and (f) will be followed to reduce impacts to such resources to a less-than-significant level.*

**VI. GEOLOGY AND SOILS - Would the project:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X	5, B
	ii) Strong seismic ground shaking?			X		5, B
	iii) Seismic-related ground failure, including liquefaction?			X		5, B
	iv) Landslides?				X	5, B
b.	Result in substantial soil erosion or the loss of topsoil?				X	B
c.	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X		5, B
d.	Be located on expansive soil, as defined in California Building Code), creating substantial risks to life or property?			X		5, B
e.	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X	N/A

*Comment:* The City of Fremont is subject to fault rupture and related seismic shaking from several faults in the area. According to the 2004 California State Geologic and Seismic Hazard Zones map, the project site is located in an area susceptible to earthquake-induced liquefaction. Furthermore, according to the 2007 EIR, the property contains soils that drain poorly and have a high expansion/contraction potential. Therefore, all proposed structures must be designed in conformance with geotechnical and soil stability standards as required by the California Building Code (CBC). Conformance to the applicable CBC standards will result in the project having no significant geological impacts to the site, its occupants, or the adjacent properties.

**VII. GREENHOUSE GAS EMISSIONS - Would the project:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X		F, 21, 22, 23
b.	Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?			X		F, 21, 22, 23

*Background:* With the passage of the Global Warming Solutions Act of 2006 (Assembly Bill 32), the State of California acknowledged the role of greenhouse gases (GHG) in global warming and took action to reduce GHG emission levels. AB 32 set a statewide goal of reducing GHG emissions to 1990 levels by the year 2020. In doing so, it contemplated economic expansion and growth of population to 44 million

people by 2020. The bill called for the state's Air Resources Board (CARB) to prepare a Scoping Plan encompassing all major sectors of GHG emissions for achieving reductions consistent with its goals. The Scoping Plan, adopted in December 2008, creates an overarching framework for meeting the GHG reduction goal of returning to 1990 emissions levels by 2020. The City has applied BAAQMD CEQA Guidelines to consideration of the operational and stationary source emission associated with the new activities of the project. Baseline conditions were established as May 2011.

*Comment:* An Air Quality Impact Analysis was conducted for the project in October 2011 by SCS Engineers. The analysis assessed the potential for impacts to greenhouse gas emissions caused by new employee trips, new customer haul trips, daily operation and maintenance of all proposed facilities (including on-site electricity, natural gas and water consumption, and solid waste generation), as well as operation of the boiler that will be used to run the autoclaves in the medical waste processing facility. Of these sources, only the boiler is defined as a stationary source by BAAQMD. All other sources that were analyzed are defined as non-stationary by BAAQMD, and are subject to a separate, more stringent threshold as compared to stationary sources.

The analysis determined that the total GHG emissions generated by the project from non-stationary sources will total 792 metric tons per year, while BAAQMD's threshold of significance is 1,100 metric tons per year. Therefore the total GHG emissions from the project's non-stationary sources are 308 metric tons per year below the threshold of significance.

The boiler that will be used to provide steam to the autoclave units during the processing of medical waste will run on 12.6 million British thermal units (BTUs) per hour and be fueled by natural gas provided by PG&E. Daily operation of this boiler is expected to generate 5,994 metric tons per year of GHG emissions. The threshold of significance for stationary sources, including this boiler, is 10,000 metric tons per year. Therefore, the total GHG emissions from the project's lone stationary source are 4,006 metric tons per year below the threshold of significance identified by BAAQMD. As such, the project's impacts on GHG emissions from both stationary and non-stationary sources are below the thresholds of significance defined by BAAQMD, and no mitigation is required.

#### VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X		A
b.	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X		A
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	1, 2
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	A, 18

e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
f.	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	N/A
g.	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	6, 7
h.	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	29

*Comment:* Hazardous materials currently being stored and utilized on the property include diesel fuel and gasoline, oil, grease, antifreeze and other fluids used for servicing vehicles, trucks and heavy equipment. Welding gas tanks are also kept in locked storage facilities on the premises. The gasoline and diesel fuel are stored in above-ground tanks at multiple fueling stations on the property; there are no underground fuel storage tanks on the site. The types of heavy equipment and vehicles that would be employed to conduct the daily operations being proposed in the reuse plan would be the same or similar to those already being used in the current landfill capping and resource recovery operations; therefore, no new fuel, fluid or gas types would need to be brought onto the property under the proposed plan.

The proposed reuse plan features a new 32,487 square foot medical waste receiving and processing facility that would be constructed in the corporation yard near the entrance to the site. This facility will also be used to treat food, plant, and animal waste brought into the U.S. from overseas travel that is regulated by the U.S. Department of Agriculture, known as Animal and Plant Health Inspection Services (or APHIS) Waste. The waste will be trucked to the facility in sealed containers from hospitals and other healthcare institutions, and U.S. Customs facilities throughout the Bay Area, where it will be offloaded and treated by steam sterilization in autoclaves inside the facility. Contaminated steam byproduct from the sterilization process will be vented through a steam condenser vacuumed from the autoclave units to prevent any contamination or residual odors from entering the atmosphere. The treated waste will then be removed from the autoclaves and loaded back onto trucks for transport to licensed off-site disposal facilities or plastic recycling facilities, depending on the type of byproduct left over from the process.

All transport, handling, and treatment of medical and APHIS waste will be done in accordance with applicable Federal health and safety regulations. Conformance with the applicable safety laws and regulations pertaining to both fuels, fluids and gases, as well as to medical and APHIS waste, will minimize the likelihood that any hazardous materials are accidentally released into the environment during the proposed operations, and therefore no mitigation is needed.

The project would not interfere with any emergency response or evacuation plans, nor is it located within the high fire severity zone for wild fires. As part of the project, the applicant will be required to extend municipal water service onto the property and install new fire hydrants on the premises and indoor sprinkler systems in all new buildings per current California Fire Code requirements. This will improve fire-fighting capabilities on the property over existing conditions in which non-potable water from on-site wells is stored in tanks for fire-fighting uses and no buildings are sprinklered.

**IX. HYDROLOGY AND WATER QUALITY -- Would the project:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Violate any water quality standards or waste discharge requirements?				X	A, 14, 15
b.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	A, 8
c.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X	3, 15
d.	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X		3, 15
e.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X	A, 3, 16
f.	Otherwise substantially degrade water quality?				X	A, 14, 15, 16
g.	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	N/A
h.	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X		A, 17
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X		6, 17
j.	Inundation by seiche, tsunami, or mudflow?			X		6, 17

*Comment:* All runoff generated by the project will utilize the existing drainage patterns of the site. Currently, runoff from the landfill and south field either drains or is collected and pumped into ditches running along the base of the landfill. These ditches lead to a 36-inch outfall pipe at the northwest corner of the site where the runoff is discharged into the Alameda County Flood Control channel bordering the property to the north (Line N). Line N eventually connects to the Mowry Slough which ultimately discharges into the San Francisco Bay. Runoff from the corporation yard is collected and pumped into a large pond-like depression immediately north of the landfill facility's entrance where it slowly flows northward and is eventually discharged via a second outfall pipe into Line N. This large depression will continue to be used as a stormwater storage and treatment area as part of the proposed project, while the runoff from the landfill and south field will continue to be collected and channeled into Line N via the outfall pipe at the northwest corner of the property.

In order to comply with the impending Low Impact Development (LID) requirements of the San Francisco Bay Regional Water Quality Control Board's (RWQCB) Municipal Regional Permit which go

into effect on December 1<sup>st</sup>, 2011, the project will utilize the large depression north of the entrance as a self-retaining evapotranspiration pond during C.3d (two-year) storm events. This form of stormwater management and treatment is consistent with the current guidelines of the Clean Water Program C.3 technical manual which govern water quality protection and discharge requirements; as such, the project will not impact water quality and no mitigation is required.

Currently, the landfill facility utilizes onsite wells for non-potable water uses such as dust control, irrigation, and fire-fighting. Potable water for employee usage is currently brought in by tanker trucks and stored in on-site water tanks. The project will require extending piped municipal water service to the property, including piping for reclaimed water that can be used for non-potable uses (also known as “purple pipe”), thereby eventually negating the need for continued use of well water. Until that time, however, the project will be able to continue to use groundwater from the onsite wells for non-potable uses as allowed by the Alameda County Water District which regulates well water consumption.

Grading and borrow excavation activities that will be conducted as a component of the project have the potential to result in significant erosion and sedimentation and/or the leaching of pollutants into the soil and groundwater table if not conducted in accordance with best management practices (BMPs). The preliminary grading plan for the project proposes BMPs that are designed to minimize this risk through the incorporation of conventional erosion and sedimentation control measures in accordance with the applicable requirements of the RWQCB. Implementation of these BMPs will result in no significant impacts to water quality from erosion or sedimentation. Similarly, the proposed grading plan utilizes the existing drainage facilities and patterns on the property to convey increased runoff created by the new improvements and re-graded areas in the South Field. As such, the project will not cause a substantial alteration of existing drainage patterns that could result in flooding or increased runoff levels that could cause unexpected erosion or sedimentation, and no mitigation is necessary.

According to Flood Insurance Rate Map Panel No. 06001C0605G produced by the Federal Emergency Management Agency (FEMA) on August 3, 2009, the project site is located within a 100-year tidal flood zone. As such, the property could be inundated in the event of a 100-year storm or 100-year high tide if water were to reach up to 8 feet above mean sea level (MSL), particularly the corporation yard and borrow area. However, there is an existing levee around the perimeter of the landfill portion of the property which protects it from inundation during 100-year events. In addition salt evaporation ponds which are separated from the San Francisco Bay by their own levees also surround the site and serve as a buffer from high waves off the Bay during large storm events. To prevent flooding of all proposed and/or relocated facilities in the event of a 100-year event, the applicant will be required to raise building pads and grade newly-constructed areas to achieve positive drainage into stormwater treatment/storage areas in compliance with the City’s flood ordinance.

**X. LAND USE AND PLANNING - Would the project:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Physically divide an established community?				X	2, 3
b.	Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X		2, 3, 8
c.	Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	N/A

*Comment:* The proposed reuse plan use would not divide an established community in that it is located at the end of the City's limits along the shore of San Francisco Bay. Most of the surrounding lands to the north, south and west are undeveloped wetlands or salt ponds that will never be developable. The nearest developments to the east consist of industrial parks, the Fremont Auto Mall, and regional commercial development beyond, all of which will remain the same distance from the site as they currently are today.

The current General Plan land use designations for the property are Light Industrial in the corporation yard area and along the railroad tracks where the current concrete/asphalt recycling operation is located, and Agriculture on the landfill itself, as well as in the borrow area, wetlands, salt ponds, and south field. The current zoning for the site is Planned District P-2005-262(F) in the area designated Light Industrial, and Agricultural-Flood Combining District [A(F)] in the areas designated Agriculture. The proposed reuse plan calls for a rezoning of the property to a new Planned District that would allow all of the proposed operations, and a General Plan Amendment to General Industrial, also to allow the heavier industrial operations such as the concrete/asphalt recycling and mulch/topsoil processing and blending.

There are no habitat conservation or natural community plans applicable to the project site; as such, the proposed reuse plan would not conflict with any such plan.

## XI. MINERAL RESOURCES -- Would the project:

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	8
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	8

*Comment:* This section is not applicable as there are no known mineral resources of local or regional importance located on the property.

## XII. NOISE -- Would the project result in:

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X	2, 3, A
b.	Exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels?				X	2, 3, A
c.	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X		A
d.	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X		A
e.	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A



f.	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	N/A
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*Comment:* The nearest residential receptors to the project site in Fremont are located more than one mile away to the east and are separated from the property by the Interstate 880 freeway, Auto Mall Parkway, and the Union Pacific Railroad tracks. Traffic volumes along the freeway and parkway combine to generate significant ambient noise levels that drown out the noise from the landfill operations and prevent it from being audible in the nearest residential neighborhoods. In the City of Newark, approximately 1,800 feet (1/3 mile) north of the corporation yard area is currently designated for residential development and open space. Engine and back-up (reverse gear) beeper noise from heavy equipment could be audible outdoors at this location, but would not be loud enough to disturb future occupants inside their homes.

The proposed operations will utilize the same heavy equipment (dump trucks, semi trailer dump trucks, rock crushers, wood grinders, front end loaders, bulldozers, etc.) on a daily basis that is currently being used on the site for both the landfill operation as well as the ongoing waste material recycling operations. While the volumes of concrete and asphalt, wood scrap waste, and surplus dirt received by the facility are expected to increase in the future as the development industry rebounds from the recent economic downturn, the equipment used to process these products will remain the same. Therefore, noise generated by the proposed operations will not significantly exceed existing levels, and no mitigation for noise impacts is necessary.

There are no residential, institutional, retail or professional office developments located close enough to the project site to be affected by ground-borne vibrations generated by the heavy equipment that will be employed on the site to conduct the heavier operations.

### XIII. POPULATION AND HOUSING -- Would the project:

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	1, 2, 3, A
b.	Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	N/A
c.	Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	N/A

*Comment:* The proposed reuse plan for the property would require the extension of the existing public water and sewer mains in Auto Mall Parkway to the end of the street in order to serve the project site. The only undeveloped properties that these extensions would serve are a municipal parcel owned by the City of Fremont and a substation owned by Pacific Gas and Electric Company (PG&E) to the north. The areas are already within the City's urban boundaries and designated for urban uses as either industrial or public facilities in accordance with the City's General Plan. Utility extension are already available to each property through public street right-of-way. Therefore, the utility extensions will not induce substantial growth in the project area and no mitigation is required.

#### XIV. PUBLIC SERVICES

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
	Fire protection?				X	10, A
	Police protection?				X	10, A
	Schools?				X	N/A
	Parks?				X	N/A
	Other public facilities?				X	10, 12, A

*Comment:* On September 3, 1991, the City Council passed resolutions requiring Development Impact Fees for all new development within the City of Fremont. These fees are required of any new project for which a building permit is issued on or after December 1, 1991. The concept of the impact fee program is to fund and sustain public services and improvements that are needed as a result of new development as stated in the General Plan and other policy documents within the fee program. Development Impact Fees fall into the following five categories: Traffic Impact Fees, Park Dedication and Park Facilities Fees, Capital Facilities Fees, and Fire Facility Fees. In this case, the applicant will be required to pay Traffic Impact fees, Capital Facilities Fees, and Fire Facility Fees for the proposed medical waste facility and any other new structures on the site that will be occupied by employees and/or customers. Payment of the required Development Impact Fees by the applicant prior to the issuance of building permits for the proposed facilities will result in the project having no significant impact on public services or facilities.

#### XV. RECREATION

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X	12, 13
b.	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X	12, 13

*Comment:* Because the proposed reuse plan would only result in additional industrial development on the site, the project would not result in an increase in use of existing recreational facilities which could impact the physical condition of such facilities. Therefore, the project will not impact existing recreational facilities or require the construction of new recreational facilities.

**XVI. TRANSPORTATION/TRAFFIC** - Would the project:

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X		7, D
b.	Conflict with an applicable congestion management program, including, but not limited to a level of service standard standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				X	7, D
c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	N/A
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	N/A
e.	Result in inadequate emergency access?				X	7, A
f.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X	7, A

*Comment:* In May 2011, the City's Transportation and Operations Department took week long traffic counts to determine average baseline traffic conditions in order to be able to compare the existing traffic volumes with projected volumes that account for the proposed uses and the additional traffic they are expected to generate. Traffic volumes fluctuate daily and yearly for the site because of the mix of uses associated with the landfill operations. The previous EIR discusses higher base traffic levels for operations of the landfill prior to its closure to public direct haul loads. Based on the data collected by the City, the average number of trips to and from the facility (including both vehicle trips and truck trips) is 870 daily trips and 55 PM peak hour trips. The observed traffic levels are well below previous traffic levels of the site and represent a reasonable expectation of average existing conditions. The number of daily trips expected to be generated by the project, including all existing and new employee trips, all new medical waste processing trips, and all existing and new customer hauling trips and is 1,201 daily trips and 87 PM peak hour trips, or a total increase of 331 daily trips and 32 PM peak hour trips.

Intersections and ramps are rated based on a Highway Capacity Model (HCM) level of service (LOS) scale, with a level of service "A" being the best rating and a level of service "F" indicating the worst rating. An LOS of "D" is the lowest acceptable level allowed by the City's General Plan for signalized intersections. If a project will result in the LOS of an intersection being reduced below level "D", then the impact from that project is considered to be significant. If an intersection is already operating below LOS "D", a project's impact is considered significant if it causes a considerable contribution to the impact as measured by an average intersection delay increase of more than 4 seconds per vehicle. LOS analyses conducted by the City as part of the Draft EIR for the citywide General Plan Update considered 2010 traffic levels and analyzed the nearest major intersections of Auto Mall Parkway and Christy Street and the Auto Mall Parkway/Interstate 880 interchange. Because most trips to the facility will originate from Interstate 880 and continue along Auto Mall Parkway straight to the parkway's terminus at the entrance to the facility, the intersections that are most likely to be impacted by the project are those along the parkway between Interstate 880 and the facility. The Auto Mall Parkway/Interstate 880 interchange

currently operates at an LOS of “B” or better on both the northbound and southbound ramps during the PM peak hour, while the intersection of Auto Mall and Christy Street currently operates at an LOS of “C” westbound toward the facility and “D” eastbound from the facility toward Interstate 880. Since counts were collected there has been no substantial change in surrounding uses and are reasonable estimates of current conditions. According to the City’s Traffic Engineering Division, the 32 additional PM peak hour trips that will be generated by the project will not cause any existing LOS to drop below level “D”. As such, the project will not have a significant impact on existing traffic levels or intersection delays and no mitigation is necessary.

Due to restrictions of the access easement over the Union Pacific railroad, sidewalks and a public street will not be extended onto the property. The project will involve re-paving of all parking and circulation areas in the corporation yard area where all of the permanent structures and the majority of the new improvements will be made. The provision of all new paving and parking lot/circulation striping, signage and fire lane markings will improve circulation throughout the portions of the property that will be open to the public, thereby improving emergency access to those areas. Bicycle parking will be provided adjacent to the medical waste facility to encourage employees to bike to work, and the applicant is proposing to provide on-demand shuttle service to the nearest Alameda County (AC) Transit bus stops on Auto Mall Parkway for any employees or customers who need to take public transportation to get to the facility and to comply with the accessibility requirements of the California Building Code.

#### **XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:**

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X	14, 15
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		25
c.	Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X	25
d.	Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		25
e.	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	25
f.	Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X	N/A
g.	Comply with federal, state, and local statutes and regulations related to solid waste?				X	24

*Comment:* The applicant is required to connect the proposed project to the public water system located in Auto Mall Parkway approximately 1,500 feet to the east via an extension of the existing 12-inch main. As part of the development agreement between the City and the developer of the Pacific Commons project, ProLogis, Inc. is required to extend the existing main to the western terminus of Auto Mall Parkway where it will eventually provide water service to the City park at the municipal parcel across the

railroad tracks from the landfill property. Therefore, the project will not require the extension of a water main that has not already been slated for extension, and whose construction could cause significant environmental impacts. Furthermore, the Alameda County Water District has reviewed the project plans and determined that there is sufficient water supply available in the system serving the area to accommodate the various types of recycling operations being proposed.

Sewage and other wastewater discharge are currently pumped out of the property into an existing 4-inch sewer line in Auto Mall Parkway via a force main from an on-site pump station. While the project would increase the number of restroom and break room facilities on the premises with the construction of the new medical waste processing facility, the number of employees on the premises would not increase significantly due to the fact that the personnel currently assigned to the landfill operation will eventually be transitioned over to the other operations once the landfill is finally capped and decommissioned by the year 2015 at the latest. As such, the project will not have a significant impact on wastewater treatment and conveyance facilities or require upgrades of such facilities that could impact the environment.

All on-site drainage from the property is currently either channeled into ditches which convey the water around the base of the landfill to the adjacent Alameda County Flood Control District's Line N (also known as Mowry Slough), or collected in a basin and pumped into a large pond directly north of the corporation yard area where it is stored and ultimately discharged into Mowry Slough via an outfall pipe. This drainage configuration will continue to be utilized upon completion of the project; therefore, no storm drain facilities need be extended to the site to receive the additional runoff generated by the proposed improvements.

#### XVIII. MANDATORY FINDINGS OF SIGNIFICANCE –

<b>ISSUES:</b>		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Information Sources
a.	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of CA history or prehistory?		X			
b.	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X	
c.	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X	

*Comment:* The above discussion adequately addresses all potential impacts the proposed project may have on the environment. This initial study has found that the proposed project will not have the potential to degrade the quality of the environment. The implementation of the identified mitigation measures listed in Section XIX, below, combined with the project conditions of approval, will reduce all impacts the project may have to a less-than-significant level.

## **XIX. Summary of Proposed Mitigation Measures**

### ***Mitigation Measure #1: Dust Control***

*Prior to the issuance of a permit, the following best management practices shall be included in a dust control plan and noted on construction plans with a designated contact person for on-site implementation of the dust control plan.*

- 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.*
- 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
- 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
- 4. All vehicle speeds on unpaved roads shall be limited to 15 mph.*
- 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
- 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.*
- 7. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours.*

***Mitigation Measure #2: Exclusion of Individuals from Project Area.*** *A barrier to exclude salt marsh harvest mice and salt marsh wandering shrews from the areas to be physically altered by construction of the project shall be constructed under the guidance of a qualified biologist. The barrier shall be a smooth metal fence (e.g., aluminum flashing) that is 30 inches high and toed into the soil to a depth of at least 3 inches. Prior to installation of the barrier, vegetation within the construction area(s) and within 2 feet outside of the barrier shall be removed by hand prior to installation of the barrier to remove any cover that might be used by harvest mice or wandering shrews and to encourage any individuals present in these areas to move to the adjacent, vegetated salt marsh. The barrier shall be placed along the project boundary (approximately 2 feet from the boundary) with the muted tidal salt marsh habitat (i.e., the southwest perimeter). All fence construction and vegetation removal shall be conducted under the supervision of a qualified biologist. The barrier must be monitored at least twice annually and repaired as needed. Vegetation outside of the fence within the 2-foot buffer area must be maintained so that no vegetation hangs over the barrier.*

***Mitigation Measure #3: On-site Construction Crew Education Program.*** *A worker education program must take place before the commencement of project-related activities in the southern portion of Multi-Use Zone 2 (south field). A qualified biologist shall explain to construction workers how best to avoid impacts to salt marsh harvest mice and salt marsh wandering shrews. The biologist shall conduct a training session that must be scheduled as a mandatory informational field meeting for operators, contractors, and all construction and/or operations personnel. The field meeting shall include topics on species identification, life history, descriptions, and habitat requirements. Handouts, illustrations, photographs, and project mapping showing areas where minimization and avoidance measures are being implemented will be included as part of this education program. The program shall increase the awareness of the operators, contractors, and construction and operations workers about existing federal and state laws regarding special-status species, as well as increase their compliance with conditions and requirements of resource agencies.*

***Mitigation Measure #4: Pre-construction Surveys.*** *Pre-construction surveys for burrowing owls shall be conducted in potential habitat in conformance with California Department of Fish and Game (CDFG)*

*protocols no more than 5 days prior to the start of any project-related activities of increased intensity (e.g., human activity or noise) or ground-disturbing activity such as clearing and grubbing, excavation, or grading. If no burrowing owls are located during these surveys, no additional action is needed. However, if burrowing owls are located within 250 feet of any project-related activities, the following measures will be implemented:*

- (a) If burrowing owls are present during the non-breeding season (generally between September 1 and January 31), a 150-foot buffer zone, within which no new project-related activities will be permissible, will be maintained around the occupied burrow(s) if feasible. If a 150-foot buffer is not feasible, then a reduced buffer may be acceptable as long as project activities will not directly affect the roost burrow or owls. During the breeding season (generally between February 1 and August 31), a 250-foot buffer within which no new project-related activities will be permissible must be maintained between said activities and the occupied burrow(s). Owls present at burrows within 250 feet of the project site after February 1<sup>st</sup> will be assumed to be nesting unless evidence identified by the biologist indicates otherwise. This protected area will remain in effect until August 31<sup>st</sup> or at CDFG's discretion and based upon monitoring evidence, until the young owls are foraging independently.*
- (b) If ground-disturbing activities will impact occupied burrows within 250 feet of the project area, eviction outside the nesting season may be performed in consultation with CDFG. This is unlikely to be necessary due to the extent of existing development and disturbance, paucity of ground squirrel burrows, and presence of very tall vegetation within currently undisturbed habitat in proximity to the project area. No burrowing owls will be evicted from burrows during the nesting season (February 1 through August 31) unless evidence identified by the biologist indicates that nesting is not actively occurring (e.g., because the owls have not yet begun nesting early in the season, or because young have already fledged late in the season).*

**Mitigation Measure #5: Clear Vegetation during the Non-breeding Season.** *If project activities are scheduled to occur between mid-February and mid-August, all vegetation in the areas that are to be disturbed by new project-related activities and that could serve as nesting habitat for Alameda song sparrows, Bryant's savannah sparrows and San Francisco common yellowthroats should be removed during the non-breeding season under the supervision of a qualified biologist. In addition, all vegetation that could serve as suitable nesting habitat for these species and that is located within 50 feet of areas of disturbance should be removed to prevent the project-related activities from disturbing active nests. During the initiation of any new project-related activity, the project area and adjacent areas within 50 feet should be maintained so that no vegetation suitable for nesting by these species is allowed to develop. If vegetation is removed during the non-breeding season prior to project implementation, no impacts to nesting habitat would occur.*

**Mitigation Measure #6: Conduct Pre-disturbance Surveys and Avoid Disturbance to Active Nests.** *If new project-related activities are to occur during the breeding season in or near potential nesting habitat, a qualified ornithologist should conduct pre-disturbance surveys no more than 5 days prior to the commencement of disturbance in any given area. If active song sparrow, savannah sparrow, or common yellowthroat nests are found to be present within or near (i.e., within 50 feet of) the impact areas during the breeding season, a buffer of 50 feet free from any new or substantially increased project-related disturbance should be established around any active nest. This buffer shall be respected until nesting has been completed.*

**Mitigation Measure #7: Exclusion of California Tiger Salamanders from Project Site.** *To minimize possible impacts to individual tiger salamanders from borrow activities, a barrier to tiger salamander dispersal shall be installed along the eastern boundary of the site from the existing entrance road southeast to the southeastern limit of the borrow area. This barrier should be designed to prevent*

*salamanders dispersing from breeding sites east of the railroad tracks from entering the project area. The barrier shall be designed by a qualified herpetologist and checked and maintained regularly to ensure that gaps that could allow salamanders to enter the project site do not occur. Because the borrow activities are proposed to be phased, such a barrier shall also be placed between borrow areas and portions of the Resource Recovery Area not being used for borrow activities to prevent any salamanders from entering the active borrow area. (Carried over from the Mitigation Monitoring Program of EIR SCH# 2006112013, certified by the Fremont City Council on October 23, 2007)*

***Mitigation Measure #8: Salvage of Individual Tiger Salamanders during Project Activities.*** *While the previous mitigation measure would minimize the probability of salamanders entering the site, any salamanders already present in the borrow area shall be salvaged and relocated off site to the extent practicable. Although detecting every tiger salamander on a site is not feasible due to the species' secretive, subterranean habits, a qualified herpetologist shall be present during removal of debris and initial clearing and grubbing on the Resource Recovery Area prior to excavation at a particular borrow area. The herpetologist would look for individual tiger salamanders that may be taking refuge under debris or in the few mammal burrows present on the site. Any individuals detected would be captured and relocated to a safe location outside the project area; this relocation site shall be approved by the U.S. Fish and Wildlife Service (USFWS) prior to the salamander(s)' relocation. (Carried over from the Mitigation Monitoring Program of EIR SCH# 2006112013, certified by the Fremont City Council on October 23, 2007)*

***Mitigation Measure #9: On-site Construction Crew Education Program for California Tiger Salamanders.*** *A worker education program shall take place before the commencement of borrow excavation activities. A USFWS-approved biologist shall explain to construction workers how best to avoid impacts to California tiger salamanders. The biologist shall conduct a training session that shall be scheduled as a mandatory informational field meeting for contractors and all construction personnel. The field meeting must include topics on species identification, life history, descriptions, and habitat requirements during various life stages. Handouts, illustrations, photographs, and project mapping showing areas where minimization and avoidance measures are being implemented will be included as part of this education program. The program will increase the awareness of the contractors and construction workers about existing federal and state laws regarding endangered species, as well as increase their compliance with conditions and requirements of resource agencies. (Carried over from the Mitigation Monitoring Program of EIR SCH# 2006112013, certified by the Fremont City Council on October 23, 2007)*

***Mitigation Measure #10:*** *Should any human remains or historical or unique archaeological resources be discovered during site development work, the provisions of CEQA Guidelines, Section 15064.5 (e) and (f) will be followed to reduce impacts to such resources to a less-than-significant level.*



## **GENERAL SOURCE REFERENCES:**

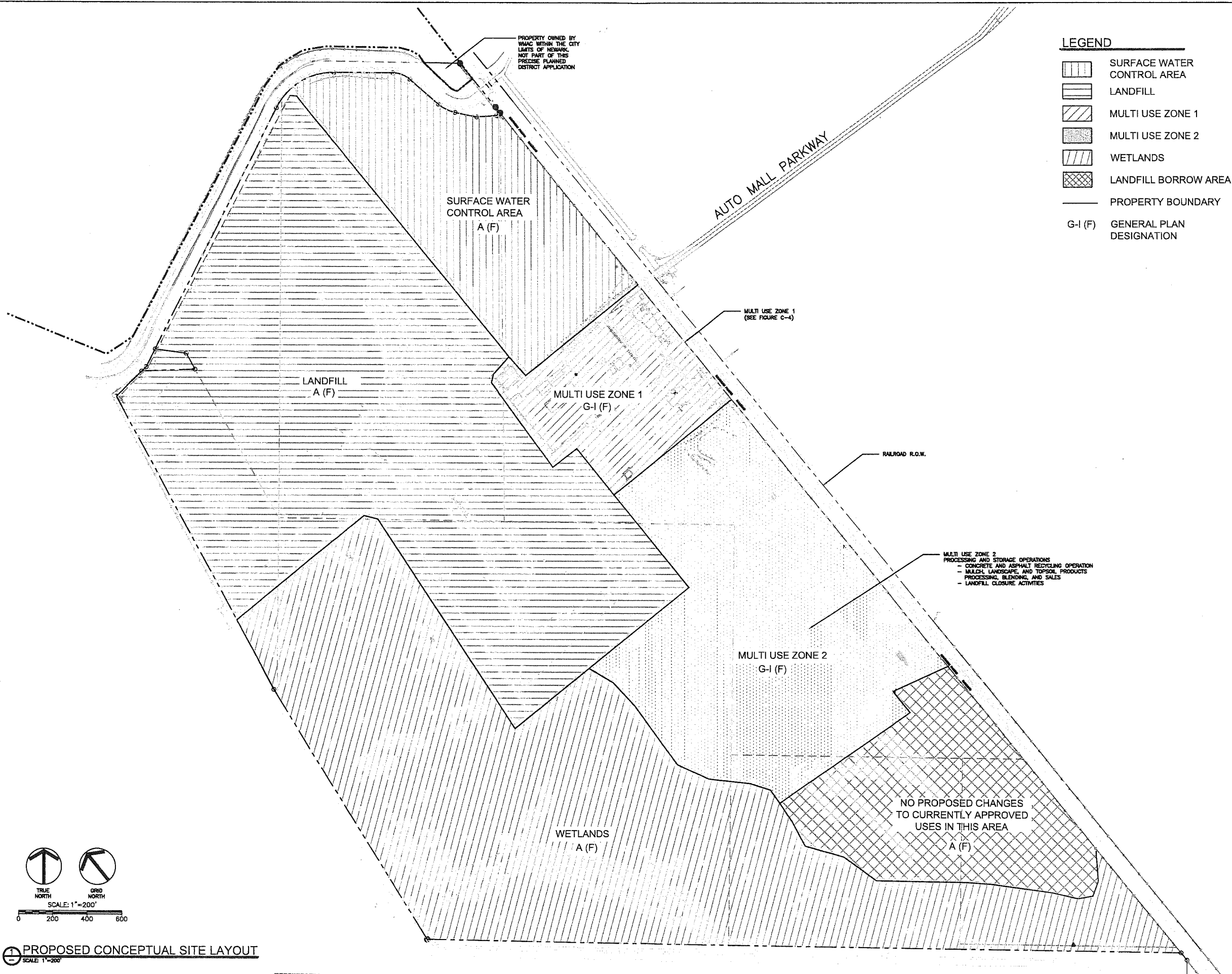
1. Existing land use
2. City of Fremont General Plan (Land Use Chapter Text and Maps)
3. City of Fremont Municipal Code Title VIII (e.g. Planning and Zoning, Subdivision, Grading and Maps)
4. City of Fremont General Plan (Certified 2009 Housing Element)
5. Alquist-Priolo Earthquake Fault Zoning Act and City of Fremont General Plan (Health and Safety Chapter)
6. City of Fremont General Plan (Health and Safety Chapter)
7. City of Fremont General Plan (Transportation Chapter)
8. City of Fremont General Plan (Natural Resources Chapter, e.g. including Biological Resources, including Physical Zones, habitat zones [i.e., Tidal mudflat, wetland, low land, hill, grass land, etc.], Unique Natural Areas [i.e., quarries, percolation ponds, etc.], mineral resources, Scenic and Visual Resources)
9. City of Fremont General Plan (Health and Safety Chapter, Noise subsection).
10. City of Fremont General Plan (Public Facilities Chapter).
11. City of Fremont General Plan (Cultural Resources Chapter).
12. City of Fremont General Plan (Park and Recreation Chapter).
13. City of Fremont General Plan (Open Space Chapter).
14. RWQCB National Pollutant Discharge Elimination System (NPDES) Municipal Permit October 2009
15. RWQCB, Construction Storm Water General Permit, September 2009
16. Alameda Countywide Clean Water Program Hydromodification Susceptibility Map 2007
17. Flood Insurance Rate Map (FEMA online) and City of Fremont General Plan (Health and Safety Chapter)
18. Hazardous Waste & Substances Sites List, consolidated by the State Department of Toxic Substances Control, Office of Environmental Information Management, by Cal EPA, pursuant to Government Code § 65962.5
19. Department of Conservation Important Farmland Map 2009
20. City of Fremont Agricultural Preserves Lands under Contract (2007 Map and List).
21. Bay Area Air Quality Management District: Clean Air Plan (Bay Area Ozone Strategy 2010), CEQA Guidelines 2010
22. CARB Scoping Plan December 2008
23. City of Fremont Greenhouse Gas Emissions Inventory 2005
24. City of Fremont Municipal Code Title IV Sanitation and Health (e.g. solid waste, tree protection)
25. City of Fremont Municipal Code Title VI Public Works and Public Utilities (e.g. streets and sidewalks)
26. City of Fremont Municipal Code Title VII Building Regulations
27. Fremont Register of Historic Resources and Inventory of Potential Historic Resources
28. Local Cultural Resource Maps (CHRIS)
29. Fremont High Fire Severity Zone Map

## **PROJECT RELATED REFERENCES:**

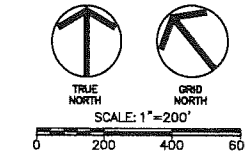
- A. Project Plans and Project Description
- B. Tri-Cities Recycling and Disposal Facility (TCRDF) Landfill Closure and Land Use Plan Environmental Impact Report, SCH #2006112013, May 2007 (draft) and August 2007 (final)

- C. Tri-Cities Recycling and Disposal Facility Tree Survey, CH2M Hill, April 14, 2010
- D. Traffic counts conducted by City of Fremont Transportation & Operations Department, May 2011
- E. Biological Resources Report for Tri-Cities Landfill Reuse Plan, H.T. Harvey & Associates, July 29, 2011
- F. Air Quality Impact Analysis for Final Reuse Plan, SCS Engineers, October 2011

FIGURE 1 - OVERALL SITE PLAN



- LEGEND**
- SURFACE WATER CONTROL AREA
  - LANDFILL
  - MULTI USE ZONE 1
  - MULTI USE ZONE 2
  - WETLANDS
  - LANDFILL BORROW AREA
  - PROPERTY BOUNDARY
  - G-I (F) GENERAL PLAN DESIGNATION



PROPOSED CONCEPTUAL SITE LAYOUT  
SCALE: 1"=200'

ET  
Engineers • Architects • Planners

CONSULTANT:  
  
SEAL:  
  
CLIENT:  

WMA  
WASTE MANAGEMENT ASSOCIATION

PROPOSED LAND USES AND DESIGNATIONS  
**TRI-CITIES RESOURCE RECOVERY FACILITY**  
PRECISE PLANNED DISTRICT APPLICATION  
7010 AUTO MALL PARKWAY - FREMONT, CA 94538  
APNs 537-801-3-4, 537-801-3-3 & 537-801-2-3

REVISIONS:  
REV. NO. | DATE | DESCRIPTION  
1 | 6/30/11 | PREPARED FOR REVIEW  
2 | 7/1/11 | REVISED TO REFLECT COMMENTS  
3 | 7/1/11 | REVISED TO REFLECT COMMENTS  
4 | 7/1/11 | REVISED TO REFLECT COMMENTS  
5 | 7/1/11 | REVISED TO REFLECT COMMENTS  
6 | 7/1/11 | REVISED TO REFLECT COMMENTS  
7 | 7/1/11 | REVISED TO REFLECT COMMENTS  
8 | 7/1/11 | REVISED TO REFLECT COMMENTS  
9 | 7/1/11 | REVISED TO REFLECT COMMENTS  
10 | 7/1/11 | REVISED TO REFLECT COMMENTS  
11 | 7/1/11 | REVISED TO REFLECT COMMENTS  
12 | 7/1/11 | REVISED TO REFLECT COMMENTS  
13 | 7/1/11 | REVISED TO REFLECT COMMENTS  
14 | 7/1/11 | REVISED TO REFLECT COMMENTS  
15 | 7/1/11 | REVISED TO REFLECT COMMENTS  
16 | 7/1/11 | REVISED TO REFLECT COMMENTS  
17 | 7/1/11 | REVISED TO REFLECT COMMENTS  
18 | 7/1/11 | REVISED TO REFLECT COMMENTS  
19 | 7/1/11 | REVISED TO REFLECT COMMENTS  
20 | 7/1/11 | REVISED TO REFLECT COMMENTS

DATE: 6/30/11  
PROJECT # 02-ET1099  
DRAWN BY: CD  
CHECKED BY: CD  
APPROVED BY: BW  
FILE NAME: 02-ET1099.dwg

**C-3**

**LEGEND**

- PROPOSED PAVEMENT
- PROPOSED FIRE LINE & HYDRANT
- PROPOSED FENCE/GATE
- PROPOSED BUILDING

**NOTE: SEE ENLARGED PLAN C4.1**

PROPOSED FIRE LANE  
SEE SHEET C-4.1 FOR  
CONTINUATION OF FIRE  
LANE TO PUBLIC ROW.

EQUIPMENT MAINTENANCE  
BUILDING OPERATIONS  
INCLUDE BIN PAINTING  
AND REPAIR

MAINTENANCE STAFF  
PARKING ACCESS  
RESTRICTED TO  
EMPLOYEES ONLY.

PROPOSED SHUTTLE  
STOP  
LOCATION #2

ACCESSIBLE PATH OF  
TRAVEL FROM PARKING  
TO MODULAR  
STRUCTURES. THESE  
BLDG'S ARE RESTRICTED  
FROM GENERAL PUBLIC  
ACCESS.

RELOCATED MODULAR  
STRUCTURES  
FROM MED. WASTE  
DEVELOPMENT AREA

PROPOSED WASTE MANAGEMENT  
RENEWABLE ENERGY FACILITY  
PER SEPARATE PERMIT

(E) LANDFILL

PROPOSED SHUTTLE  
STOP  
LOCATION #1

SITE ENTRANCE

MEDICAL WASTE FACILITY

TRAILER STORAGE  
& STAGING AREA

STORAGE & STAGING AREA

SCALES & GATEHOUSE

COLORLED  
MATERIAL  
RELOADING  
& SALES

MATERIAL COLORING  
AREA

MULTI USE ZONE 1  
BOUNDARY

RAILROAD R.O.W.

SOUTHERN PACIFIC  
RAILROAD

MATCHLINE SEE SHEET C-5

LANDSCAPE BULK  
SALES AREA

PRODUCT STOCKPILES &  
BUNKERS ARE SHOWN FOR  
CONTEXT ONLY. SIZE,  
PROPORTION, AND  
LOCATION MAY VARY BASED  
ON OPERATIONAL  
REQUIREMENTS

(E) SANITARY PUMP STATION AND  
COMPRESSOR BUILDING AREA

TRUE  
NORTH

GRID  
NORTH

SCALE: 1"=50'

**CONCEPTUAL NORTH AREA SITE PLAN**  
SCALE: 1"=50'

9' (1) SPACE

72' (6 SPACES)

TRUNCATED DOMES

4" BLUE PAINT  
LINE 2 COATS  
(TYP)

ACCESSIBLE PATHWAY

**TYPICAL ADA/STANDARD PARKING LAYOUT**  
SCALE: 1"=10'

C-4

LANDSCAPE BULK SALES AREA

PRODUCT STOCKPILES & BUNKERS ARE SHOWN FOR CONTEXT ONLY. SIZE, PROPORTION, AND LOCATION MAY VARY BASED ON OPERATIONAL REQUIREMENTS

CONCRETE/ASPHALT STOCKPILE

SCALE: 1"=100'

TRUE NORTH

GRID NORTH

0 100 200 300

PROPOSED CONCEPTUAL SOUTH AREA SITE PLAN

SCALE: 1"=100'

MULTI USE ZONE 2 BOUNDARY

RAILROAD ROW

PARCEL 6

PARCEL 7

NO PROPOSED CHANGES TO CURRENTLY APPROVED USES IN THIS AREA

30' ROAD ESMT PER BK 1540 O.R. PG 366 & PTR EXCEPT. # 10

CORNER PER BK SEARCHED FOR - NL

MULTI USE ZONE 2 CONCEPTUAL PROCESSING AND STORAGE OPERATIONS

- CONCRETE AND ASPHALT RECYCLING OPERATION
- MULCH, LANDSCAPE, AND TOPSOIL PRODUCTS PROCESSING, BLENDING, AND SALES
- LANDFILL CLOSURE ACTIVITIES
- STORAGE OF RAW MATERIALS & PRODUCTS

NOTE: LOCATION OF SPECIFIC OPERATIONS WILL VARY WITHIN MULTI USE ZONE 2.



REAL:

CLIENT:



CONCEPTUAL SOUTH AREA SITE PLAN

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TRI-CITIES RESOURCE RECOVERY FACILITY

---

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APNs 537-801-3-4, 537-801-3-3 & 537-801-2-3

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[illegible]

DATE: 6/30/11

PROJECT #:	02-ET1099
DRAWN BY:	CD
CHECKED BY:	CD
APPROVED BY:	BW
FILENAME:	Site Plan C-Edg

C-5